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sense of the word, to be sure, not in its modern and worse sense. There is no evidence of intention to deceive ; but the text presented is a mosaic of sentences or passages picked out and run together, with no indication of omission. The result is sometimes misleading. For instance, Mr. Bancroft's process gives us, in one letter (I. 363) the following: "For four or five days past the qualification of the delegates from Rhode Island hath been the only subject before us. The question was, Shall a delegation retain its seat, or any particular member, the term of service having actually expired? The gentlemen wait for me." What Monroe really wrote was this (Hamilton, I. 27): "For four or 5 days past the qualification of the Delegates from R. I. hath been the only subject before us. The motion respecting them was from Mr. Read. This brought forward the report of the committee, which was against them and conformable to the principles established in the case of Delanson. Upon the question shall the resolution stand? 4 States voted in the affirmative, 2 in the negative and 3 were divided. Of course it was enter'd in the journals that it was lost. The question then was, are they under this vote delegates? On the side of those in the negative the arguments are: if 7 states were on the floor represented generally by but two members and the question was, shall a delegation retain its seat, or any particular member, the time of service having actually expir'd, the vote of one member only would keep him in Congress. 2. that," etc. This is quite a little different. Judging from internal evidence only, it is plain that Mr. Bancroft's text is in other respects considerably less correct than that of Mr. Hamilton (though "giving our own citizens a show," p. 87, is surely too modern ; Mr. Bancroft has "share").

The later volumes, dealing with transactions in which Monroe was more nearly the central figure, will be awaited with impatience. Some of them will lead us down into a field which sorely needs more abundant illustration. For the years after 1815 we have, to be sure, a good number of letters of Adams, Jefferson and Madison ; but they had now become spectators of the drama. We shall not see with clearness the faces and motions of the actors till we have editions of the correspondence of Monroe, John Quincy Adams, Calhoun, Jackson, Van Buren, Clinton, Tompkins, Crawford (if it be possible), and fuller sets of Clay and Webster. Mr. Hamilton has broken ground most acceptably in a great field.

The Federalist: A Commentary on the Constitution of the United States, by Alexander Hamilton, James Madison, and John Jay. Edited, with notes, illustrative documents, and a copious index by PAUL LEICESTER FORD. (New York: Henry Holt and Co. 1898. Pp. lxxvii, 793.)

IN the preparation of this volume, Mr. Ford has had in view two distinct objects, a convenient working edition of *The Federalist* and a manual for the study of the history of the constitution of the United States. These objects are sufficiently dissimilar to render their combina-

tion difficult, and the results, in the present instance, are of unequal value. The main part of the work, *The Federalist*, is, in several respects, a marked advance on all preceding editions. The rest of the volume is taken up with a very perfunctory collection of constitutional documents relating to the history of the United States since 1789. These twenty-five documents are simply arranged in chronological order without any critical apparatus whatever. It is probable that Mr. Ford's book was already in the press when Professor MacDonald's collection was published. Before the appearance of the latter, Mr. Ford's collection, imperfectly prepared as it is for purposes of systematic instruction, would have been welcome. Now, one can but lament that he did not devote the space to reprinting in a more accessible form selections from his *Essays and Pamphlets on the Constitution*. By so doing Scott has given his edition of *The Federalist*, in other respects less desirable than Lodge's, Dawson's, or Hamilton's, and far inferior to Mr. Ford's, a distinct value. For the new index every student of *The Federalist* must be grateful. It is hardly too much to say that it alone will make this edition indispensable. The running titles, the marginal cross-references to parallel passages, and the new table of contents will also be very helpful.

Mr. Ford's commentary is always interesting and will prove stimulating and instructive to students of our government as it is. I regret to say that, judged by a reasonable standard of historical accuracy, it is in need of careful revision. Freeman once said: "The accurate man is not a man who makes no mistakes, but a man who corrects his own mistakes in the proof-sheets." This Mr. Ford has not taken sufficient pains to do. He writes from the exceptionally large stores of his knowledge of American history with the easy confidence of a brilliant talker who is a master of his subject. Some of the errors in the notes arise from haste, others seem unaccountable on any ground except off-hand reliance upon a memory more fallible than its owner suspects, while still others are perhaps more justly characterized as paradoxes or vagaries of judgment. If Mr. Ford had taken the scholarly precaution to give the reader some precise references for the historical matter in the notes he must needs have discovered some of these errors himself. A few examples will illustrate these points. On p. 458 is this note: "According to Mr. Bryce, the last instance of the use of the veto power in England was by Queen Anne in 1707 on a Scotch mill bill." In Tod's *Parliamentary Government in the English Colonies* (ii. p. 319) the author says that in 1858 changes in a private railway bill were compelled by an intimation to its promoters that, if these changes were not made, the royal power of rejection would be exercised." For "mill" read "militia," and for Tod, read Todd. This last misprint as well as the whole sentence is taken bodily from Bryce. It is, however, entirely irrelevant, as it relates to a crown veto of colonial legislation. P. 425, "In Bagehot's *English Constitution* he discusses at some length the question of the time at which the House of Lords 'must yield' to the Commons, and reaches the singularly stultifying conclusion to his main argument that it is 'when-

ever the opinion of the Commons is also the opinion of the nation.''' As no hint is given of what Bagehot's main argument was, nine readers out of ten will surely conclude that Mr. Ford regards Bagehot's dictum, as quoted, as absurd, whereas it is to-day the established conservative view of the position of the Lords. Lord Salisbury has justified the existence of the Lords on the ground that they can save the country from radical revolutionary legislation till it becomes certain by a general election that the will of the country is known, when it is their duty to yield. On p. 329 Mr. Ford writes: "The early Congresses of the Union assumed the right to nominate the President, and for thirty years forced upon the people candidates for President." Who could get from this note any correct notion of the nomination by party caucus? P. 211: "During the Civil War most of the northern states incurred 'war debts,' that of New York alone being in excess of twenty-seven million dollars. But this latter was so greatly out of proportion to the debts of the other states that recently the larger part was refunded by the national government." To what does this refer? I can but conjecture that Mr. Ford had in mind the refunding of the direct tax of 1861. If I am wrong, the stricture still holds good that such a note should be more explicit or should refer the reader to a source of further information. On p. 142 in discussing deadlocks between the houses of Congress, he says that they have "compelled the introduction of a new legislative element in the shape of a third or union chamber, usually termed a compromise committee." The proper term is "committee of conference," although the more familiar name is simply "conference committee." I should be glad for a reference for this statement on p. 70, "Warm as the national feeling has been toward France, we aided St. Domingo to obtain its freedom by every possible if surreptitious device." Our feeling was not warm toward France, except in irritation, during most of the disturbances in St. Domingo; yet, when this irritation was keen during the power of the Directory, Secretary Pickering was careful to prevent the government from being implicated in any violation of neutrality. (Cf. *Am. Hist. Assoc. Rep.*, 1896, pp. 825-827.) On the next page (71) Cornelius de Pauw's fanciful "*Recherches Philosophiques sur les Américains*" are credited to Raynal.

On p. 520 we read that "Jefferson, with more extreme action, holding the alien and sedition acts to be unconstitutional, actually refused to consider them as laws." This refers to action by Jefferson as president, but it is perfectly well known to everybody that these acts expired by limitation before Jefferson became president. Later on in the same note we read "Jackson is quoted as saying that he intended to support the constitution as he 'understood it.''' Why not quote Jackson himself rather than some unnamed source? In his Bank veto message Jackson wrote: "Each public officer who takes an oath to support the constitution, swears that he will support it as he understands it, and not as it is understood by others." In the review of the history of attempted nullifications on p. 101 there is no mention of the *Persona*! Liberty laws which

are among the best examples ; on the other hand mistaken importance is assigned to the fact that in California during the war greenbacks did not circulate. This was not nullification in any sense. Mr. Ford attributes the failure of the greenback to circulate in California to the force of public opinion. Add to this the fact that California was a remote and detached community and a large producer of gold. Nullification is the attempt of the constituted authorities of a state to abolish within its boundaries a federal law on the ground that it is unconstitutional. For over half a century after the establishment of our coinage system nearly all the silver coin in actual circulation was Spanish or Mexican. That fact, however, is not to be mentioned in a history of nullification. The following comment on p. xxv is incomprehensible : "The only serious endeavor to break up the country which has ever occurred was in a section where those who should have been the controlling citizens were chiefly slaves, unable to make their influence a power." As one reads the notes it soon appears that inheritance and income taxes are a genuine bug-a-boo to Mr. Ford. His dogmatic deliverances on these intricate questions give no evidence of any impartial study of these matters. To him they are simply devices to shift the burdens of government unfairly on to a minority.

In his general comments on political tendencies Mr. Ford is often very suggestive. Take, for example, his brief supplement to Mr. Bryce's chapter, "Why the best men do not go into politics." In substance, it is that the increase in the facilities of communication between constituents and representatives has made the representative far less independent in action and far less important than was formerly the case. He is gradually but inevitably being depressed into a mere delegate. This condition is repellent to men of masterful character and pre-eminent ability.

There is much that is interesting and highly instructive in the first part of the Introduction, which takes up the political conditions following the Revolution. In regard to the discussion of the authorship of the disputed numbers it is not necessary for me to take up more than one or two points, for Mr. Ford has reprinted without change the article which he contributed to the REVIEW in July, 1897. It would be futile to repeat the criticisms that I then offered, for they made no impression on Mr. Ford. It will not be presumptuous to say that some of his assertions were proved absolutely to be mistaken and that the basis of others was seriously undermined. Yet he makes no corrections or defence. This is, of course, discouraging to a critic, and misleading to the public. It cannot fail to impair one's confidence in Mr. Ford's readiness to weigh evidence contrary to his previous conclusions.

He still ascribes Numbers 18, 19 and 20 to Hamilton and Madison, although his notes make it clear that Madison wrote them. He is still positive that the document commonly called Hamilton's "Brief of Argument on the Constitution" is a syllabus of *The Federalist* drawn up by Hamilton for Madison's guidance in continuing the papers when Hamil-

ton stopped with Number 36, published January 8, 1788. Against this assumption, I showed "that some of the heads of this syllabus reproduce the topics of some of Hamilton's earlier numbers" (*e. g.*, 9, 22, 23). He would hardly expect Madison to go over that ground again, while it would be natural enough to use it again himself in the New York convention. In addition to this I will now call attention to the fact that this syllabus reproduces in skeleton form an argument elaborated in one of the earliest Madison papers, No. 14, published November 30. Toward the end of the syllabus we find these apparently meaningless figures under the caption

"Exaggerated ideas of extent :"

"N.	45	42	
S.	31	31	
	<hr/> 14	<hr/> 11	438
	<hr/> 973	<hr/> 764½	mean 868¾ by
			750"

What could Madison make out of that memorandum unaided? Turning, however, to Number 14, p. 84, the significance is clear. The whole number is devoted to confuting Montesquieu's notion that republican government was suited only to small territories. One of several arguments urged against its application to the Union is that the Union is not really so large after all. "The limits as fixed by the treaty of peace, are: on the east, the Atlantic, on the south the latitude of 31 degrees, on the west the Mississippi, and on the north an irregular line, running in some instances beyond the 45th degree, in others, falling as low as the 42d. Computing the distance between the 31st and 45th degrees, it amounts to 973 common miles; computing it from 31 to 42 degrees, to 764½ miles. Taking the mean of the distance, the amount 868¾. The mean distance from the Atlantic to the Mississippi does not probably exceed 750 miles," etc. The same argument and additional points that I have omitted will also be found in the memorandum which Madison drew up for use in the Virginia convention. The natural and unbiassed conclusion is that this statistical argument was originally drawn up by Madison and that it was so effectively used by him in Number 14 that Hamilton in preparing himself for the New York convention jotted down a brief memorandum of the figures for the dimensions of the country. This was perfectly legitimate. It is by no means necessary to prove or to assume that every argument in *The Federalist* originated with Hamilton. There are no difficulties in believing that this document is what John C. Hamilton and Lodge called it, "Brief of Argument," etc. There are insuperable difficulties in believing it to be what Mr. Ford says it was: a syllabus drawn up by Hamilton in January, 1788, to guide Madison in expounding the details of a government that Hamilton did not believe in and of which Madison, more than anyone else, was the framer.

EDWARD GAYLORD BOURNE.